WASHINGTON, D.C. 20503

July 17, 1978

OMB

LEGISLATIVE REFERRAL MEMORANDUM

TO:

Legislative Liaison Officer International Communication Agency

Arms Control and Disarmament
Agency

Board for International Broadcasting

Civil Service Commission Central Intelligence Agency

Dept. of the Treasury National Security Council

Office of Science and Technology Policy

Dept. of Justice

Office of the Special Trade Representative

Dept. of Defense Dept. of Energy

National Science Foundation

SUBJECT:

State proposed language to the Conferees stating the administration's position on provisions in S. 3076 and H.R. 12598, the State Department Authorization.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than C.O.B. Tuesday, July 18, 1978. Phone comments will be accepted. Please propose specific language if you are recommending change.*

Questions should be referred to Jim Barie (395-4580) or to Tracey Cole the legislative analyst in this office.

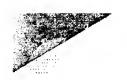
(395-4710),

* If your agency does not respond within the deadline, we will assume that it has no objection to the subject material.

NONALD K. PETERSON for Assistant Director for Legislative Reference

Enclosures Hilda Schreiber

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Tab 36

Issue. Clarification of Information Reporting Requirements.

House. The House version contains no such section.

Senate. Section 108 clarifies the intent of the Congress concerning reporting responsibilities by the Executive Branch to the Committees on Poreign Relations in the Senate and on International Relations in the House. This section makes it clear that a Federal agency must furnish any information "notwithstanding the department, agency or independent establishment of origin" to the respective committees when requested.

Administration Position

The Administration opposes Schaue Section 108. Its application to national security information appears to be inconsistent with the Presidential directive implementing Executive Order 11652. That directive, (and the comparable directive to implement President Carter's Executive Order 12065 is expected to be the same) says that classified information originating in one Department shall not be disseminated outside another Department to which it has been made available without the consent of the originating Department (Section VI-D). The Senate version also appears to be inconsistent with Section 102 of the National Security Act making the Director of CIA responsible for protecting intelligence sources and methods from unauthorized disclosure.



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SENATE AMENDMENT

CLARIFICATION OF INFORMATION REPORTING

REQUIREMENT 28

SEC. 108. Section 15 (b) of the Act entitled "An Act 30 to provide certain basic authority for the Department of 31 State", approved August 1, 1956 (70 Stat. 890), is 32 amended by inserting after the word "information" the 33 following: "(notwithstanding the department, agency, or 34 independent establishment of origin)".

Tab 32 A

Issue. Science, Technology and American Diplomacy - Findings

House. Section 501 notes the foreign policy significance of science and technology.

Senate. The Senate version contains no comparable section.

Administration Position.

The Administration supports the House version. Science and technology are becoming increasingly important aspects of U. S. foreign policy, and the finding contained in Section 501 is a useful and timely statement of that fact.



Tab 32 B

Issue. Science, Technology and American Diplomacy Policy

House.

Section 502: The House version states that it should be the policy of the United States Government to assure the timely application of science and technology to the conduct of U. S. foreign policy. To that end, the USG shall:

anticipate and assess scientific and technological cooperation with other countries; and adopt measures to assure that the necessary scientific and technical training for United States government employees is undertaken.

Senate.

The Senate version contains no comparable provision.

Administration Position.

The Administration supports the House version. The proposed statement of policy will be very helpful in strengthening this particular area in the conduct of United States foreign policy.

TAB 32 C

Issue.

Science, Technology and American Diplomacy - Responsibilities of the President, Secretary of State and Director of the Office of Science and Technology Policy

House.

Section 503 requires the President, the Secretary of State, and the Director of the Office of Science and Technology Policy and other appropriate USG officials to:

- ensure that the Secretary of State is consulted before any USG initiatives in this area are undertaken;
- identify and evaluate domestic science and technology programs and activities with significant international implications;
- identify and evaluate international science and technology programs and activities with significant domestic implications;
- assess and initiate mutually beneficial international scientific and technology activities;
- provide the Congress with an annual report on (a) the adequacy of governmental personnel requirements and standards in this area and (b) recommendations concerning the continuation of existing agreements involving science and technology.

Senate. There is no comparable Senate version.

Administration Position.

The Administration supports the House version but suggests certain modifications as follows:

Strike Section 503 and substitute a new 503 - "The President, through the Secretary of State and in consultation with the Director of the Office of Science and Technology Policy and other officials whom the President considers appropriate, shall --



- (1) insure that the Secretary of State is fully informed and consulted before any agency of the United States takes any initiative intended to result in a formal, international science or technology agreement or exchange with any foreign government or international organization; and
- (2) transmit to the Congress not later than January 20, 1979 a report on the implementation of the declaration of policy set out above."

The Administration suggests this change in order to: (a) assure that the Secretary of State is informed of all steps designed to lead to formal science and technology agreements or exchanges; and (b) permit the Administration to make considered suggestions to the Congress next January on the best means for implementing the expression of Congressional findings and policy set forth in the Sections 501 and 502.



Tab 32 D

Issue. Science, Technology and American Diplomacy -- Responsibilities of the Secretary of State

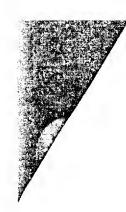
House. Section 504 fixes certain implementation responsibilities on the Secretary of State, including:

- -- coordination and oversight of American international sceince and technology agreements and activities;
- -- authority to enter into contracts for the services of consultants and contracts or grants for research;
- -- authority to train Federal officers and employees with respect to science and technology and international affairs;
- -- submission to Congress no later than January 20, 1979 of a report on the implementation of his responsibilities under the title.

Senate. There is no comparable Senate provision.

Administration Position.

The Administration recommends the deletion of Section 504 of the House bill to permit the Administration to make considered recommendations to the Congress on the implementatic steps in its report to Congress in January, 1979.



Tab 32 E

Issue: Science, Technology and American Diplomacy

Earmarking of Funds

House. Section 505 earmarks \$4,071,000 of the amounts

authorized to be appropriated by the bill to be available only to carry out the purpose of this title. Section 101(a)(1) of the bill has been

increased by \$4,071,000 to cover this earmarking.

Senate: There is no comparable Senate provision.

Administration Position.

The Administration opposes the House version because it earmarks funds and because it is an authorization beyond the Administration's request.

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SENATE AMENDMENT

TITLE V—SCIENCE, TECHNOLOGY, AND AMERICAN DIPLOMACY

FINDINGS

SEC. 501. The Congress finds that-

- (1) the consequences of modern scientific and technological advances are of such major significance in United States foreign policy that understanding and appropriate knowledge of modern science and technology by United States officers and employees are essential in the conduct of modern diplomacy;
- (2) many problems and opportunities for development in modern diplomacy lie in scientific and technological fields;
- (3) the United States Government should seek out and consult with both public and private industrial, academic, and research institutions concerned with modern technology in the formulation, implementation, and evaluation of the technological aspects of United States foreign policy; and
- (4) the effective use of science and technology in international relations for the mutual benefit of all nations requires the development and use of the skills and methods of long-range planning.

[No comparable Senate provision]

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DECLARATION OF POLICY

SEC. 502. In order to maximize the benefits and to minimize the adverse consequences of science and technology in the conduct of foreign policy, the Congress declares the following to be the policy of the United States:

- (1) Technological opportunities, impacts, changes, and threats should be anticipated and assessed, and appropriate measures should be implemented to influence such technological developments in ways beneficial to the United States and other nations of the world.
- (2) The mutually beneficial applications of technology in bilateral and multilateral agreements and activities involving the United States and foreign countries or international organizations should be recognized and supported as an important element of United States foreign policy.
- (3) The United States Government should implement appropriate measures to insure that individuals are trained in the use of science and technology as an instrument in international relations and that officers and employees of the United States Government engaged in formal and informal exchanges of scientific and technical information, personnel, and hardware are knowledgeable in international affairs.

[No Comparable Senate Provision]

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(4) In recognition of the environmental and tech-
nological factors that change relations among the coun-
tries of the world, and in further recognition of the
growing interdependence between domestic and foreign
policies and programs of the United States, United
States foreign policy should be continually reviewed by
the executive and legislative branches of the Federal
Government to insure appropriate and timely applica-
tion of science and technology to the conduct of United
States foreign policy.

RESPONSIBILITIES OF THE PRESIDENT

SEC. 503. (a) The President, through the Secretary
of State and in consultation with the Director of the Office
of Science and Technology Policy and other officiels whom
the President considers appropriate, shall—

- (1) notwithstanding any other provision of law, insure that the Secretary of State is fully informed and consulted before any agency of the United States takes any initiative involving science or technology with respect to any foreign government or international organization;
- (2) identify and evaluate elements of domestic science and technology programs and activities of the United States with significant international implications;
- (3) identify and evaluate international scientific or technological developments with significant impliestions for domestic programs and activities of the United States Government; and

[No Comparable Senate Provision]

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- (4) assess and initiate appropriate international scientific and technological activities which are based upon domestic scientific and technological activities of the United States Government and which are beneficial to the United States and foreign countries.
- 6 (b) The President, through the Secretary of State, shall 7 study and not later than January 31, 1980, and not later 8 than January 31 of each year thereafter, shall submit to 9 the Congress an annual report containing recommendations with respect to—
 - (1) personnel requirements, and standards and training for service of Federal officers and employees, with respect to assignments in any agency which involve foreign relations and science or technology; and
 - (2) the continuation of existing bilateral and multilateral activities and agreements involving science and technology, including (A) an analysis of the foreign policy implications and the scientific and technological benefits of such activities or agreements for the United States and other parties, (B) the adequacy of the funding for and administration of such activities and agreements, and (C) plans for future evaluation of such activities and agreements on a routine basis.
- (c) Except as otherwise provided by law, nothing in this section shall be construed as requiring the public disclosure of sensitive information relating to intelligence sources or methods or to persons engaged in monitoring scientific or technological developments for intelligence purposes.

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RESPONSIBI	LITIES	OF	TEE	SECRETARY	OF	STATE
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SEC. 504. (a) In order to implement the policy set

- forth in section 502 of this title, the Secretary of State
- (hereafter in this title referred to as the "Secretary") shall
- have primary responsibility for coordination and oversight
- with respect to all science or science and technology agree-
- ments and activities between the United States and foreign
- countries, international organizations, or commissions of
- which the United States and one or more foreign countries
- are members.
- (b) The Secretary shall, to such extent or in such 11
- amounts as are provided in appropriation Acts, enter into
- long-term contracts, including contracts for the services of
- consultants, and shall make grants and take other appro-
- priate measures in order to obtain studies, analyses, and
- recommendations from knowledgeable persons and organiza-
- tions with respect to the application of science or tech-
- nology to problems of foreign policy.
- (c) The Secretary shall, to such extent or in such 19
- amounts as are provided in appropriation Acts, enter into
- short-term and long-term contracts, including contracts for 21
- the services of consultants, and shall make grants and take
- other appropriate measures in order to obtain assistance
- from knowledgeable persons and organizations in training 24
- Federal officers and employees at all levels of the Foreign
- Service and Civil Service-26
- . . .(1) in the application of science and technology 27
- to problems of United States foreign policy and inter-28
- 29 national relations generally; and
- (2) in the skills of long-range planning and analy 30
- sis with respect to the scientific and technological aspect-31 32 of United States foreign policy.

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[No Comparable Senate Provision]

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(d) In obtaining assistance pursuant to subsection (c) in training personnel who are officers or employees of the Department of State, the Secretary may provide for detached service for graduate study at accredited colleges and universities.

(e) Not later than January 20, 1979, the Secretary

(e) Not later than January 20, 1979, the Secretary shall furnish to the Committee on Appropriations and the Committee on International Relations of the House of Revresentatives, and to the Committee on Appropriations and the Committee on Foreign Relations of the Senate, a report on the implementation of the responsibilities of the Secreta, y under this title. Such report shall include the following information: an assessment of the personnel required in order to carry out such responsibilities; existing and planned programs for research and analysis to support long-range planning for the application of science and technology to foreign policy; existing and planned programs for training officers and employees of the United States Government; and existing and planned programs to enter into long-term contracts 19 with academic and other organizations for assistance in training and in obtaining studies, analyses, and recommendations with respect to the application of science or technology to problems of foreign policy. 23

EARMARKING OF FUNDS

SEC. 505. In addition to amounts otherwise available for such purposes, \$4,071,000 of the amount authorized to be appropriated by section 101(a) (1) of this Act shall be available only to carry out the purposes of this title.

[No Comparable Senate Provision]

Issue. Responsibilities of Chiefs of Mission

House. Section 410 substitutes "Chief of Mission" for "Ambassador" in Section 16 of P1 93-475 -- the basic statutory statement of the responsibilities of Ambassadors.

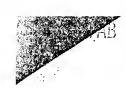
- Section 119(2) clarifies subsection (3) of PL 93-475 confirming the intent of that section that "any department or agency having officers or employees in a country shall keep the United States Ambassador to that country fully and currently informed with respect to all activities and operations of its officers and employees in that country...". This clarification is achieved by inserting the words, "notwithstanding any other provision of law" before the words "keep the United States Ambassador fully and currently informed...".

Administration Position.

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- The Administration supports the House version and opposes subsection (2) of the Senate version.

Because all of Section 16 of PL 93-475 is prefaced with the words "Under the direction of the President" the addition of the "notwithstanding" clause is unnecessary since the President has already directed in his letter of October 25, 1977 to Ambassadors that "All United States Government Personnel in your country of assignment should be made aware of your authority and responsibilities. It is their duty to keep you thoroughly and currently informed about all their activities so you can effectively direct, coordinate and supervise United States programs and operations under your jurisdiction and recommend missionwide policies to Washington." (It should be noted that the only exception made by the President was for personnel under the command of a United States area military commander an exception based on Section 16 of PL 93-475.)



HOUSE BILL

1	RESPONSIBILITIES OF A CIMER OF MISSION
2	SEC. 410. Section 16 of the Act cutitled "An Act to
3	provide certain basic authority for the Department of State",
4	approved August 1, 1956 (22 U.S.C. 2680a), is amended-
5	(1) in paragraph (1) by striking out "Am-
6	bassador to" and inserting in lieu thereof "chief of
7	mission (as defined in section 121 (9) of the Foreign
8	Service Act of 1946) in";
9.	(2) in paragraph (2) by striking out "Ambassa-
.0	do." and inserting in lieu thereof "chief of mission";
1	and ·
2	(3) in paregraph (3)—
3	(A) by striking out "Ambassador to" and
4	inserting in lieu thereof "chief of mission in"; and
.	(B) by striking out "the Ambassador" and
6	inserting in lieu thereof "the chief of mission".
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SENATE AMENDMENT

AUTHORITY AND RESPONSIBILITY OF UNITED STATES

2	CHIEFS OF MISSION
3	SEC. 119. Section 16 of the Act entitled "An Act to
4	provide certain basic authority for the Department of State"
5	is amended—
6	(1) by striking out the word "Anibassador" each
7	place it appears and inserting in lieu thereof "Chief of
Ω	Mission"; and

(2) by inserting after the words "in a country shall" in the third paragraph thereof a comma and the following: "notwithstanding any other provision of law.".

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Tab 68

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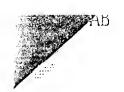
Issue. Approval of Certain International Agreements.

House. The House version contains no such section.

Senate. Section 502 is a sense of the Senate stating that the President should seek the advice of the Committee on Foreign Relations as to whether a particular international agreement should be submitted as a treaty or an executive agreement.

Administration Position

The Administration is prepared to develop, in cooperation with Congress, an improved process of consultations.



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- APPROVAL OF CERTAIN INTERNATIONAL AGREEMENTS
- FEC. 502. It is the sense of the Senate that, in determin-
- ing whether a particular international agreement should be
- submitted as a treaty, the President should, prior to and dur-
- ing the negotiation of such agreement seek the advice of the
- Committee on Foreign Relations as to whether it should be a treaty or an executive agreement.

TAB 67

Issue. Case Act Amendments.

House. The House version contains no such section.

Senate. Section 501 amends the Case Act as follows:

- oral agreements are to be reduced to writing and transmitted to the Congress.
- annual reports from the President are required beginning March 1, 1979 with respect to any agreement transmitted after the 60-day deadline of the Case Act.
- no agreement is to be signed or otherwise concluded without prior approval of the Secretary of State or the President.

Administration Position.

- opposed to the oral agreement requirement as it would be extremely difficult if not impossible to enforce.
- opposed to the requirement for Presidential reports on late transmittals as the Department of State already performs that function. Congress will get no additional information. The President should not be burdened with a task that is already being performed and which is of a routine nature.
- in favor of section on role of State Department, except that the words "consultation with" should be substituted for the words "approval of" in the proposed subsection 112(c)(l)(A), and 112(c)(l)(B) should be revised to read: "Such consultation may encompass a class of agreements rather than particular agreements."



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REPORTING AND COORDINATION OF INTERNATIONAL AGREEMENTS

SEC. 501. Section 112b of title I, United States Code, is a mended as follows:

- (1) In the first sentence thereof, immediately after "text", insert the following: "(including the text of any oral agreement, which shall be reduced to writing)".
- 11 (2) At the beginning of the first paragraph thereof
 12 insert "(a)".
 - (3) At the end thereof add the following:
- "(b) Not later than March 1, 1979, and at yearly intervals thereafter, the President shall, under his own signature,
 transmit to the Speaker of the House of Representatives and
 the chairman of the Committee on Foreign Relations of the
 Senate a report with respect to each agreement transmitted
 after the expiration of such period, describing fully and completely the reasons for the late transmittal.
- "(c) (1) (A) Notwithstanding any other provision of 22 law, no international agreement shall be signed or otherwise 23 concluded without prior approval of the Secretary of State or 24 the President.



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- 1 (B) Such approval may be given for a class of agree-2 ments or for a particular agreement.
- 3 (2) The Secretary of State shall determine for and
- 4 within the executive branch whether an arrangement consti-
- tutes an international agreement within the meaning of sec-
- 6 tion 112 of title I, United States Code.
- 7 "(d) The President shall, through the Secretary of
- State, promulgate such rules and regulations as may be
- 9 necessary to carry out this section.".